

U.S. PATENT & TRADEMARK OFFICE
C O N S O L I D A T I O N



WRITTEN COMMENTS AT PUBLIC MEETINGS

**STATEMENT OF CHRISTOPHER ZIMMERMAN, CHAIRMAN,
ARLINGTON COUNTY BOARD
APRIL 29, 1998 PUBLIC COMMENT MEETING
DRAFT ENVIRONMENTAL IMPACT STATEMENT FOR THE U.S.
PATENT AND TRADEMARK OFFICE CONSOLIDATION**

Aurora Hills Recreation Center
7:00 p.m.

Good evening. The Arlington County Board welcomes this opportunity to comment on the Draft Environmental Impact Statement (DEIS) for the planned consolidation of the U.S. Patent and Trademark Office.

Arlington has been home to the PTO for 30 years and has seen it grow to one of our largest employers, with over 5,000 employees in 1.9 million square feet of office and special-purpose space. The PTO is still growing and is projected to reach 7,100 employees within the next five years.

Arlington has worked hard to create a model urban area in Crystal City and is proud to have the PTO as a major federal tenant. In this effort we have forged a partnership with the Charles E. Smith Company that transformed our plans and policies into the Crystal City we know today. As we approach the final stage of this consolidation process, I can assure you that the Arlington County Board will work closely with the GSA, PTO and the Charles E. Smith Company to achieve the best possible outcome for the PTO.

We have reviewed the DEIS in detail as well as the issues we raised at the June 4, 1997 Environmental Scoping Session, and have compared it to prior EIS which dealt with some of the same sites under consideration today. Based on this review, I am submitting today our technical review comments on the DEIS. In doing so I would state that we reserve the right to submit additional comments on or before the May 26 closing of the comment period.

In my remarks this evening, I would like to highlight some of the major issues that we have with respect to the DEIS, in the hope and expectation that they will shape the form and substance of the final EIS, which I understand is scheduled to be completed in August.

- An issue we raised in the Scoping Session for the EIS, but which has not been addressed in the DEIS, is compliance with Executive Order # 12072. This

5.2-1

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- Executive Order states, "Except where such selection is otherwise prohibited, the process for meeting Federal space needs in urban areas shall give first consideration to a centralized community business area and adjacent areas of similar character..." Another issue we raised, but which also is not addressed in the DEIS, is the operating inefficiency caused by lengthened travel times, whether by transit or automobile, for PTO employees and clients that need to access other federal agencies in the Federal core. 8.1-1
- In terms of land use planning, the DEIS finds inconsistencies between the Crystal City site proposal and the Arlington General Land Use Plan, as well as the density envelope. I can assure you that, to the extent technical discrepancies may exist, they are minor and well within the bounds of the normal site plan review process. 5.2-2
 - The analysis of fiscal impacts in the DEIS is incomplete and does not provide a basis by which true cost comparisons can be made between the candidate sites. Costing is limited to selected roadway improvements and no information is provided on the costs associated with other required environmental mitigation measures. Absent this "bottom line," how can a comparison be made between the candidate sites regarding the cost of developing the PTO campus? Additionally, revenues are only presented in terms of real estate taxes on land and improvements. This truncated approach makes it impossible to establish the "net" fiscal benefit of the PTO campus to the host municipality. 6.2-1
6.2-2
 - With respect to transportation impacts, there are substantial differences between the Crystal City site and the Alexandria sites in terms of incremental traffic generation, the extent and cost of required roadway improvements, travel times for PTO employees and clients by auto and transit. These differences between the Crystal City site and the Alexandria sites are compounded by the uncertain status of the Woodrow Wilson Bridge project. This large-scale project, for which funding has yet to be secured, will heavily impact the primary access points to the Alexandria sites and could be a major disruption for PTO at those locations. 8.1-1
8.1-9
8.1-3
 - In the area of air quality, the DEIS glosses over major impacts that work against important regional goals to reduce mobile source emissions and ozone-generating compounds. The data in the DEIS shows that relocation to Alexandria would entail a 13 percent reduction in transit usage and an increase in ozone-generating compounds of five times that associated with the Crystal City site, but there are no direct impacts recognized in the analysis. All this at a time when the region has been designated as a federal nonattainment area for ozone. We believe the deficiencies in the DEIS make it impossible to establish conformity with the 9.1-1

standards of the Clean Air Act Amendments of 1990, which, among other things, require federal agencies to demonstrate that their actions "will not increase the frequency or severity of any existing violations of ambient air quality standards."

9.1-9

In closing, let me reiterate Arlington County's commitment to making Crystal City the best site for the PTO campus. Our review of the current DEIS shows there is not enough information, at this point, by which to make an intelligent, informed decision on the PTO consolidation. We hope the EIS will undergo the necessary revisions to address these shortcomings and that the Final EIS will offer the type of analysis that will allow true comparisons between the candidate sites to be made, evaluated, and justified.

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**REVIEW COMMENTS
SUBMITTED BY THE ARLINGTON COUNTY BOARD**

**PUBLIC COMMENT MEETING ON THE DRAFT ENVIRONMENTAL IMPACT STATEMENT
U.S. PATENT AND TRADEMARK OFFICE CONSOLIDATION
April 29, 1998**

The Arlington County Board appreciates the opportunity to comment on the Draft Environmental Impact Statement (DEIS) for the U.S. Patent and Trademark Office consolidation. Arlington County has reviewed the DEIS and offers, at this time, the following comments for your consideration. These comments may be augmented by additional comments on or before the May 26 closing of the comment period.

To facilitate review, comments are grouped by the subject headings used in the DEIS and include page references, where appropriate.

Land Use Planning

- The DEIS concludes that the PTO consolidation is inconsistent with NCPC policies because it does not propose to relocate PTO in an existing federal facility, provides too much parking, and is inconsistent with local plans. The proposal to relocate into new buildings within Crystal City is consistent with local plans because this area is planned and zoned for higher density commercial development. If the Crystal Park and Crystal Plaza site plans were consolidated, then a small, non-material bonus for the provision of public facilities would be needed to technically bring the proposal into compliance with the existing zoning. We do not view this as a problem. Also, the amount of parking is determined by PTO requirements and not by the County's existing plans and policies. We think the PTO Consolidation is overparked, which adds unneeded costs. (reference: Executive Summary Table, page ES-8)

5.2-5
5.2-8
8.7-4
5.2-2
- The draft EIS also states that the Crystal City proposal is inconsistent with the General Land Use Plan designations for the site. The General Land Use Plan is the primary policy guide for the future development of the County. The Plan establishes the overall character, extent and location of various land uses and serves as a guide to the County Board in its decisions concerning future development. The PTO proposal in Crystal City is generally consistent with the overall land use pattern of the area that allows a mixture of office/commercial and residential development. I believe that Arlington's normal plan approval process would permit, with an amendment to approved special exceptions, construction of the required space and completion of a facility meeting the requirements of the Solicitation For Offers. (reference: Executive Summary Table, page ES-8)

5.2-2
- It is also stated as a mitigation factor that bonuses for additional height and density (.25FAR) are only available in return for affordable housing. In Arlington, bonuses are available in return for several types of contributions, including affordable housing and community facilities. Bonus density for these two contributions is limited to .25 FAR. However, Section (H5a) of the Zoning Ordinance allows bonuses for a variety of reasons such as open space, grade, direction and intensity of traffic, etc. There is no fixed limit to these bonuses. (reference: page 3-21)

5.2-2

Socio-Economic

- The fiscal impact analysis in the DEIS is cursory and incomplete. Revenues derived from the PTO presence are limited to real estate receipts based on assessed or projected land and improvement valuations. No other revenue impacts are evaluated, either direct or indirect. Job creation is mentioned in terms of construction jobs, but no spending impacts are calculated. The conclusion is that the proposed action would not have a measurable effect on the regional economy because no new long-term jobs would be created. While this may be true in a regional context, the fiscal impact on Arlington of losing 7,100 jobs and 1.9 million square feet of occupied office space is very real and merits more detailed analysis in the DEIS. This economic impact will be amplified by significant relocations by professional service providers such as patent attorneys and trademark specialists. (reference: page 3-60, 61; 4-34; 4-37)

6.2-2

- It is instructive to note the more detailed approach used in the prior (April 1992) EIS for the Naval Systems Command Consolidation, which included one of the Alexandria sites currently under review. The EIS defined "fiscal impact" as the difference between the municipal costs of servicing development and the municipal revenues that development generates. The EIS also recognized that, since traffic mitigation costs were not allocated on the basis of probable funding sources, they were best addressed in the fiscal analysis as a cost to be paid by the host municipality. (reference: pages ES-3; 3-3) 6.2-3
- In the DEIS occasional reference is made to "negative economic impacts" of the PTO leaving Arlington, but there is no measurement or quantification of specific impacts. The only reference to specific mitigation measures is a suggestion that Arlington County provide "economic incentives" to encourage owners of buildings vacated by PTO to renovate, thereby making them more attractive to back-fill tenants. (reference: pages ES-6; 4-16, 30, 35, 39 & 149) 6.2-4

Transportation

- The DEIS acknowledges that the PTO is presently well situated, stating "The PTO is located near the center of the Washington metropolitan area and is well served by bus transit, rail transit, and HOV facilities." It will be more difficult to implement and promote HOV use at the Alexandria sites than at Crystal City. Car and vanpools at the Alexandria sites will have to traverse 4 miles of the Beltway and negotiate the "Mixing Bowl" interchange to connect to HOV lanes on I95. At Crystal City, HOV lanes (to I95) are accessed on I395 at Eads Street, just a short distance from the PTO. This direct connection in close proximity to PTO is a major advantage that will ensure continued high utilization of Vanpool and HOV use by PTO employees. (reference: page 3-98) 8.1-9
- More than one third of the employees at PTO live in Arlington, DC, Montgomery County and eastern Fairfax County. These employees will incur a longer and more difficult commute if the PTO relocates from Crystal City. (reference: Table 3.5.2-1, page 3-98) 8.1-9
- Crystal City has a multi-modal transportation infrastructure in place that serves an established urban community, including the existing PTO, very well. Crystal City is served by two Metrorail lines (Blue & Yellow), VRE, major highways that include four HOV routes, and an extensive pedestrian and bikeway network. National Airport is so close it is within walking distance. (reference: pages 3-20; 3-106) 8.6-4
- The Crystal City site, with its location at the confluence of five major highways, offers a more diverse and balanced mix of transportation routes within the region. The DEIS acknowledges this, stating that "Crystal City lies to the southeast of the largest interchange of highways in the region." In contrast, the Alexandria sites have a disproportionately high reliance on the Beltway for access to the PTO and the DEIS states "Both Carlyle and Eisenhower Avenue...sites share a development area characterized by limited accessibility to the regional roadway network." (reference: pages 3-102; 3-107) 8.6-4
- The Carlyle site has good Metrorail and VRE services nearby, but pedestrian connections are poor – construction of a tunnel beneath Duke Street is recommended as well as a system of pedestrian and bikeway connections. At the Eisenhower Avenue site, Metrorail is limited to the Yellow Line. Direct VRE service is not available. This site also lacks pedestrian and bikeway connections. At both Alexandria sites HOV routes are not established and will require travel on congested roads to reach entry points. 8.6-1
- When compared with the Alexandria sites, it is clear that Crystal City offers the shortest travel time to key federal agencies, The Congress, downtown employment centers, and National and Dulles Airports. Travel times via Metrorail to key downtown stations such as Capitol South, Union Station, Gallery Place, Metro Center, Farragut West and L'Enfant Plaza are much shorter from Crystal City than from the Alexandria sites, with differentials ranging from 7 to 15 minutes, point-to-point. The inefficiency inherent in this travel-time disparity, both for PTO employees that need to interact with other federal agencies and for PTO clients, is not addressed in the DEIS. 8.4-1
- There are significant differences in traffic impacts and mitigation costs between the sites: 8.1-1

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| <ul style="list-style-type: none"> • The Crystal City site accommodates PTO with only 230 additional trips, and additional trip generation by future development in the area is minimal. (reference: Table 4.5.2-2, page 4-82) • The Alexandria sites (Carlyle & Eisenhower Avenue) result in almost 1,400 additional trips to accommodate PTO, and significant additional trip generation will occur with planned development in the immediate area. (reference: Table 4.5.2-7, page 4-87; Table 4.5.2-9, page 4-91) • The mitigation measures to deal with the traffic impacts are very different between the Arlington and Alexandria locations. Roadway improvements in Crystal City are estimated at \$90,000, while either site in Alexandria requires \$14.6 million in improvements, not counting the pedestrian tunnel under Duke Street required for the Carlyle site. (reference: Table 4.5.2-4, page 4-84; Table 4.5.2-11, page 4-94; page 4-99) | <p>Comment
Noted</p> |
| <ul style="list-style-type: none"> • Compared to Crystal City, the Alexandria sites present substantial uncertainties in terms of the cumulative traffic impacts of PTO and Alexandria planned development nearby, the delivery of millions of dollars of infrastructure — both on and off-site, and the level and time period of disruption in automobile access associated with the Woodrow Wilson Bridge project. (reference: Table 4.5.2-11, page 4-94) | <p>8.1-3</p> |
| <ul style="list-style-type: none"> • The DEIS recognizes that the Woodrow Wilson Bridge is a major bottleneck. It is also noted that plans to replace the original bridge with a new, larger capacity bridge have yet to be funded and there is no construction timetable. The Bridge project has design elements that affect both the Telegraph Road and US Route 1 interchanges with the Capital Beltway, both of which are primary access points to the Alexandria sites. What appears certain is that the new bridge will not be in place at the time the PTO will occupy its new space. The DEIS acknowledges this, stating "A replacement will not be completed within the six-year timeframe for PTO relocation." Under these circumstances, the Alexandria sites, with their location next to Capital Beltway interchanges most affected by the Woodrow Wilson Bridge project, can be expected to suffer adverse impacts from this large-scale construction project for three-to-five years. (reference: page 3-108) | <p>8.1-3</p> |
| <ul style="list-style-type: none"> • Woodrow Wilson bridge construction will also impact the primary transportation improvement associated with both the Carlyle and Eisenhower Avenue sites — the construction of a flyover Ramp A-1/A-2 from northbound Telegraph Road and the eastbound Capital Beltway to Eisenhower Avenue at Stovall Street. While the DEIS states that the flyover ramp could proceed as an independent project, in advance of the Wilson Bridge project, it does not recognize that further, perhaps long-term disruption of this primary access improvement will occur during the course of the Woodrow Wilson Bridge construction project. (reference: pages 4-93; 4-100) | <p>8.1-3</p> |

Air Quality

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| <ul style="list-style-type: none"> • Relocating PTO will work against important regional transportation goals of less auto usage and improved air quality. If PTO relocates, transit usage by employees and the public is projected to shrink 13 %, and, in part because of that, ozone-generating compounds from vehicle traffic at the Alexandria sites is projected at about five times the level of increase for Crystal City. All this at a time when the region is designated as a federal nonattainment area for ozone and has "exceeded the federal health standard for ozone in 19 of the last 20 years." (reference: page 3-126; Table 4.5.2-2, page 4-82; Table 4.5.2-7, page 4-87; Table 4.5.2-9, page 4-91; 4-105; 4-109) | <p>9.1-1</p> |
| <ul style="list-style-type: none"> • The DEIS obfuscates the air quality issue by stating, "the Alexandria alternatives would not result in a <u>direct</u> net increase in regional mobile source emission levels because the trips would be relocated within the same air basin." [emphasis added] Thus, the DEIS misleadingly suggests that the "direct" cause of increased emission levels would be the subsequent back-filling of Crystal City space, not an Alexandria PTO site. It is historically and economically ridiculous to assert that the maintenance of a long-standing commercial asset in Crystal City, and not the construction of 2.3 million square feet of new office space in Alexandria, would cause the net increase in emissions. (reference: page 4-105) | <p>9.1-8</p> |
| <ul style="list-style-type: none"> • At the same time, the DEIS acknowledges that "Over time, future leasing of the office space vacated by PTO under the Alexandria alternatives could result in a substantial net increase in mobile source emissions." This conclusion is reinforced by the statement in the economic analysis section that "Given the favorable office market conditions in Crystal City, with a prime location near National Airport and a current vacancy rate of less than 2 percent, the office space left vacant by the PTOcould be occupied with back fill demand over a relatively short period of time." The DEIS should clearly recognize the effect of back-fill when addressing the generation of ozone- | <p>9.1-8</p> |

producing compounds and recognize the real incremental impact on air quality that is associated with a PTO relocation out of Crystal City. (reference: page 4-105; 4-32)

- Given the reality of back-fill in Crystal City in response to a relocation of PTO, it is not realistic to conclude, as the DEIS does, that conformity to the Clean Air Act is not an issue. Has the DEIS met the conformity assessment standards of the Clean Air Act Amendments of 1990, which are designed to ensure that federal agency actions: 1) will not cause or contribute to new violations of NAAQS; 2) will not increase the frequency or severity of any existing violations of ambient air quality standards; and 3) will not delay the timely attainment of ambient air quality standards? We believe that any impartial review of the DEIS will conclude that conformity to the Clean Air Act requirements has not been demonstrated. (reference: page 4-16; 4-109)

9.1-4

9.1-9

We appreciate being included in the review process of the DEIS for the Patent and Trademark Office consolidation project and look forward to our continued participation in this important project. Please contact Hal Glidden in the Department of Economic Development at (703) 228-3891 if you have any questions.

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